



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/727,869  | 12/04/2003  | Lawrence M. Pillion  | 10499-64U6<br>(795210104-03)  | 7573             |
| 570 7590 06/23/2004   |             |                      |                               |                  |
| AKIN GUMP STRAUSS HAUER & FELD L.L.P.<br>ONE COMMERCE SQUARE<br>2005 MARKET STREET, SUITE 2200<br>PHILADELPHIA, PA 19103-7013 |             |                      |                               |                  |
|   |             |                      | EXAMINER<br>HOPKINS, ROBERT A |                  |
|   |             |                      | ART UNIT<br>1724              | PAPER NUMBER     |
| DATE MAILED: 06/23/2004   |             |                      |                               |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/727,869 | Applicant(s)<br>PILLION ET AL. |  |
|                              | Examiner<br>Robert A Hopkins  | Art Unit<br>1724               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Duell et al(6017375).

Duell et al teaches an air filtration device for intake of atmospheric air, removal of contaminants from the atmospheric air, expulsion of filtered air, and configured for operation association with a generally vertically oriented surface, the air filtration device comprising a housing(10) defining an air flow path therethrough and having a front surface(47) and a rear surface(46), at least one air inlet(80) formed in the front surface, at least one air outlet(73) formed in the housing intermediate the front surface and the rear surface for cooperation of the air outlet with a generally vertical surface to which the air filtration device is associated for enhanced dispersion of filtered air expelled through the air outlet, a filter(42) supported in the air flow path, an impeller(30) supported the housing for moving air through the air flow path, the impeller including a central inside area, a baffle plate(16) with front surface 18) supported by the housing for directing air flowing from the air inlet toward the central inside area, a motor(19) for

Art Unit: 1724

driving the impeller , the motor and the impeller at least partially supported by the baffle plate(see figures 3 and 4, column 3 lines 2-4, lines 7-9).

### ***Response to Arguments***

Applicant's arguments filed 6-1-04 have been fully considered but are deemed to be not persuasive.

Applicant argues there is no indication that the air purifier of Duell or the outlet is associated with a vertical wall. Applicant argues the length of the electric cord and a typical plug at its end that would extend from a wall outlet indicates that the air purifier is positioned at a distance from a wall or vertical surface during use.

Examiner notes that the claim is directed to the structural elements of the air filtration device, and that limitations to " a generally vertical surface" are not part of the structural elements of the air filtration device, and therefore is simply an intended use of the air filtration device. Furthermore, the length of the electric cord in the drawing is not drawn to scale, and is simply representative of a standard electric cord of any length. Also because the outlet of the air purifier of Duell et al is positioned between an inlet and a back wall, then the air purifier clearly can be positioned adjacent a vertical surface, with a folded cord or a well known retractable type cord.

Examiner notes the current application provides for a plug which is directly attached to the rear surface of the housing, whereas the plug of Duell et al is attached to a cord.

Examiner also notes that the "at least one outlet" as shown in Figure 7 of the current application extends on a side surface located between the front surface and rear

Art Unit: 1724

surface. The at least one outlet in Duell et al is intermediate the front surface and rear surface, but is not positioned on a side surface which extends between the front surface and the rear surface. The air outlet of Duell seems to be a separate unit and does not connect the front and rear surface(see Figure 1 of Duell et al).

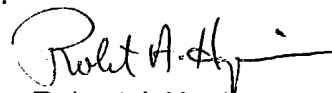
Examiner suggests amending claim 1 as follows: --at least one air outlet formed in said housing intermediate said front surface and said rear surface, said at least one air outlet extending on a side surface located between the front surface and rear surface for cooperation of said air outlet with...---.

Art Unit: 1724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday 9:00am-4:00pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert A Hopkins  
Primary Examiner  
Art Unit 1724

Rah  
June 22, 2004